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United States  
**ENVIRONMENTAL PROTECTION AGENCY**  
 Washington, DC 20460

**SUPERFUND PROPERTY REUSE EVALUATION CHECKLIST FOR REPORTING  
 THE SITEWIDE READY-FOR-ANTICIPATED USE GPRA MEASURE**

Office of Superfund Remediation & Technology Innovation and Federal Facilities Restoration & Reuse Office

**PART A – GENERAL SITE INFORMATION**

1. Site Name <b>Nutting Truck and Caster Site</b>	2. EPA ID <b>MND006154017</b>
3. Site ID <b>0503705</b>	4. RPM <b>Sheila Sullivan</b>
5. Street Address  <b>77 West Jackson Boulevard (SR-6J)</b>	
6. City <b>Chicago</b>	7. State <b>Illinois</b>
8. Zip Code <b>60604</b>	

**9. Site Wide Ready-for-Reuse Determination Requirements (all must be met for the entire construction complete site)**

- All cleanup goals in the Record(s) of Decision or other remedy decision document(s) have been achieved for any media that may affect current and reasonably anticipated future land uses, so that there are no unacceptable risks.
- All institutional or other controls required in the Record(s) of Decision or other remedy decision document(s) have been put in place.

Institutional Control Name	Date Implemented	Type of Control	Total Acres
<b>Minnesota Environmental Covenant and Easement</b>	<b>October 24, 2009</b>	<b>Restrictive Covenant</b>	<b>8.6 acres</b>

**PART B – SIGNATURE (Branch Chief or above should sign)**

NOTE: The outcome of this Property Reuse Evaluation does not have any legally binding effect and does not expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits of any party. EPA assumes no responsibility for reuse activities and/or any potential harm that might result from reuse activities. EPA retains any and all rights and authorities it has, including but not limited to legal, equitable, or administrative rights. EPA specifically retains any and all rights and authorities it has to conduct, direct, oversee, and/or require environmental response actions in connection with the site, including but not limited to instances when new or additional information has been discovered regarding the contamination or conditions at the site that indicates that the response and/or the conditions at the site are no longer protective of human health or the environment.

10. Name <b>Thomas R. Short Jr.</b>	11. Title/Organization <b>Remedial Branch Chief #2          Superfund Division, Region 5</b>
12. Signature 	13. Date <b>9/9/10</b>



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**  
**77 WEST JACKSON BOULEVARD**  
**CHICAGO, IL 60604-3590**

**Date:** September 9, 2010

**From:** Sheila Sullivan, RPM *sat 9/9/2010*  
Thomas Kenney, Site Attorney, ORC *gmm 9/9/10*

**To:** Thomas R. Short Jr., Chief  
Remedial Response Branch #2

**Subject:** Recommendation to Sign the Site Wide Ready for Anticipated Use Determination for the Nutting Truck and Caster Site, Faribault, Minnesota

The Nutting Truck and Caster Site ("Nutting Site"), Faribault, Minnesota, achieved Construction Completion on September 23, 2003, based on the remedy selected in the Remedial Action Plan (RAP) of February 16, 1987, the Consent Order of September 22, 1987, and the amended RAP of July 2003. All cleanup goals for the site have been achieved for media that may affect current and reasonably anticipated future land uses based on the August 2010 Record of Decision (ROD).

The contaminated soil on the site resulted from the disposal of processing wastes to an on-site seepage pit. The average concentrations of trichloroethylene (TCE) and methylene chloride in the seepage pit sludge were 0.44 parts-per-million (ppm) and 456 ppm, respectively. The sludge also contained some heavy metals such as cadmium, chromium and lead. Pursuant to the state-issued 1979 Notice of Noncompliance and the results of the RI, Nutting excavated the materials and contaminated soils from the former seepage pit and backfilled the excavation with clean soil meeting residential clean-up levels. The area was then paved with concrete and is currently used as a loading dock and parking area and for other commercial and light industrial activities.

TCE was the major contaminant of concern identified in the groundwater at the Nutting Site. A Consent Order was issued to Nutting in September 22, 1987 requiring it to pump and treat contaminated groundwater until a concentration of no greater than 50 parts-per-billion (ppb) of TCE was consistently achieved in the upper aquifer at the Nutting property boundary. The Minnesota Department of Health (MDH) set an advisory level, or Recommended Allowable Limit (RAL), for TCE at 30 ppb based on its ability to increase the risk of cancer. Groundwater extraction wells were installed and operated for more than 15 years to control and remove contaminated groundwater.

In July 2003, the RAP was amended to set clean-up goals to the MDH-promulgated Health Risk Level (HRL) of five ppb for TCE contamination. This value is consistent with U.S. EPA's

Maximum Contaminant Level (MCL) for TCE. The current TCE and related contaminant concentration levels in the groundwater meet the HRL/MCL for safe drinking water at the compliance monitoring wells. The treatment system has not operated since 2004 and long term monitoring after the extraction wells were shut down has demonstrated that the revised groundwater cleanup goal for TCE of five ppb has been achieved at the compliance monitoring wells.

All monitoring and extraction wells have since been properly abandoned at the Site. Under Minnesota Statute 114E, the Minnesota Uniform Environmental Covenants Act (UECA), a restrictive covenant was finalized in 2009. The covenant prohibits changes in land use unless the MPCA is notified (see Attachment 1). Annual reporting to the MPCA is required to ensure compliance with land use restrictions. The Nutting Site was delisted from the state of Minnesota Permanent List of Priorities (PLP) on September 23, 2009.

Cleanup goals for soil and groundwater allow for and were based on:

- ☒ unlimited use unrestricted exposure
- ☒ residential use
- ☐ commercial ☐ industrial use
- ☐ recreational
- ☐ containment
- ☐ other (explain)

The decision documents for the Nutting Site that address site remediation include the September 22, 1987 Consent Order, the February 1987 and July 2003 RAPs, and the September 2010 ROD.

As the result of a Five-Year Review completed on May 16, 2008, the Site was determined to be protective of human health and the environment in the short term; however, because the TCE levels in on-site groundwater exceeded the cleanup goal of five ppb at the time, the remedy was deemed not protective in the long term until ICs were implemented. ICs had not been identified as necessary in the decision documents prior to 2008.

Currently, all groundwater cleanup goals for the Site have been achieved and the Site is protective in the long term. ICs were implemented in October 2008, though they are not needed for protectiveness as the implemented site remedy allows for unlimited use and unrestricted exposure (UU/UE).

ICs have been reviewed and evaluated, and all planned ICs are in place and effective. A summary of IC objectives and media covered by these ICs is presented in the table below. Figures 1 and 2 (see attached) depict the area covered by the ICs that now support UU/UE.

**Institutional Controls Summary Table**

<b>Media, Engineered Controls and Areas that Do Not Support UU/UE Based on Current Conditions</b>	<b>IC Objective in Decision Document</b>	<b>Physical Area covered by Implemented Institutional Control</b>
None	ICs are not required in any decision document. ICs were identified as necessary for long-term protectiveness in the May 2008 Five-Year Review	<p>Minnesota Environmental Covenant and Easement (October 24, 2008). The major provisions and conditions of the Minnesota UECA include:</p> <ul style="list-style-type: none"> <li>• No wells can be installed on the property without approval of the MPCA;</li> <li>• All monitoring and extraction wells must be properly abandoned;</li> <li>• The property owner is required to report to the MPCA on an annual basis that conditions at the Site remain consistent with land use prescribed in zoning requirements;</li> <li>• Any proposed changes in land use require notification to the MPCA to determine if the proposed changes will not affect the protectiveness of the completed remedy;</li> <li>• The covenant is interest in the property and runs with the land (binds future land owners);</li> <li>• The covenant may be acquired and held by the environmental agency or by the owner of the property or other party;</li> <li>• The covenant is perpetual;</li> <li>• The covenant is not automatically extinguished by marketable title laws, tax forfeiture or adverse possession;</li> <li>• The covenant is enforceable by local units of government and local governments are given access to inspect for violations to exercise enforcement authority;</li> <li>• The covenant can be modified or terminated by consent of the environmental agency, current owner and the original signer, or by court proceeding;</li> <li>• The state can use civil and administrative penalties to enforce the covenant.</li> </ul> <p>Minnesota Statute 1031.235, subdivisions 1(a) and 2 requires sellers of property to disclose at the time of sale the locations and status of all wells on the property being sold.</p>

The soil contamination was addressed in 1980 when the contaminated soil and materials from the seepage pit were excavated to below residential soil cleanup levels. Hence, this portion of the remedy offers long-term protection from contaminants leaching into the aquifer and from human health exposure to any residual TCE that may be in the source area.

Since 2008, groundwater concentrations have met the cleanup goals at the compliance points, allowing for decommissioning of the groundwater system. All commercial, industrial and



residential properties use the Faribault municipal water supply. The remedy is now considered protective in the long term because the soil and groundwater at the site meet cleanup goals, and the Minnesota Environmental Covenant and Easement has been implemented.

Because the final remedy, as documented by the September 2010 ROD, allows for UU/UE, no future Five-Year Reviews are required for this Site.

We have also reviewed the current Human Exposure Environmental Indicator and have determined that Long Term Human Health Protection has been achieved and is consistent with this Site-wide Ready for Anticipated Use determination.

Based on the above information and all documents reviewed for this site, we find that the site meets the following requirements:

- All cleanup goals in the ROD or other decision documents have been achieved for any media that may affect current and reasonably anticipated future land uses, so that there are no unacceptable risks.
- All institutional or other controls required in the ROD or identified as part of the response action to help ensure long-term protection have been put in place.

Based on the information presented below, we are recommending that you sign the attached Site-wide Ready for Anticipated Use Determination Checklist.

Region 5 may, in the future, modify the Site-wide Ready for Anticipated Use determination based on changed site conditions.

Cleanup Goals	Soils – residential cleanup standards; Groundwater – TCE concentration in the off-site and on-site groundwater meets the HRL and MCL standards of five ug/l.
Construction Complete Date	September 2003
Five Year Review Date	May 16, 2008
Human Exposure Environmental Indicator	Long-term Human Health Protection Achieved
NPL Deletion Date	In progress
Existing Land Use for Entire Site /Status of Use	Soil entire site – commercial and light industrial/ warehousing Groundwater – no consumptive use onsite or offsite
Last Inspection Date:	November 29, 2007
Anticipated Future Land Use	Soil entire site – commercial and/or light industrial use; Groundwater – no consumptive use anticipated on or offsite
Media, Remedy Components, and Areas that do not support UU/UE Based on Current Conditions	None
Acres Associated with Institutional Control	8.6 Acres

Total Property Acres	8.6 Acres
Title of Institutional Control Instrument	State of Minnesota Uniform Environmental Covenant and Easement (See Attachment 1)
IC Implementation Date	October 24, 2009
Documents Reviewed for SWRAU Determination	See Attachment 2
ICTS Booklet	See Attachment 3

Footnote 1:

In order for ICs to be considered "in place and effective", the following must be met (check all that apply):

- ☐ the ICs cover all physical areas that do not support unlimited use/unrestricted exposure (UU/UE) and the ICs' physical description of the non-UU/UE areas are accurate based on current conditions for the entire site (e.g., groundwater ordinance covers the entire plume area; legal description of cap in restrictive covenant has been mapped or undergone other verification);
- ☐ all needed land use restrictions/objectives are stated in/covered by the IC;
- ☐ title work shows recording and that no other existing property rights will interfere with the site remedy or cause undue exposure (for restrictive covenants and other proprietary controls only),
- ☐ there is current compliance with the land use restriction determined by a recent inspection; and
- ☐ future compliance with the restrictions is expected because: a) there is a legal basis for enforcing the use restriction against current and future owners; and/or b) ORC and Superfund Branch Chiefs concur that the totality of the circumstances support the expectation of future compliance with restrictions. (Examples: UECA covenant, state solid waste deed notice in conjunction with state solid waste regulation prohibiting interference with landfill component, best available IC has been implemented such as fish consumption advisory).





## Institutional Control (IC) Review

Implemented Restrictions and  
Institutional Controls

Superfund  
U.S. Environmental Protection Agency




Nutting Truck & Caster Co.  
Rice County, MN

EPA ID#MND006154017



### Legend

-  Area with Environmental Covenant  
and Easement implemented which  
supports Unrestricted Use and  
Unrestricted Exposure

0 12.5 25 50 75 100 Meters



Produced by Angela Rozinski  
U.S. EPA Region 5 on August 19, 2010  
Image Date: 2009

Figure 2

EPA Disclaimer: Please be advised that areas depicted in the map have been estimated. The map does not create any rights enforceable by any party. EPA may refine or change this data and map at any time.

